

HOUSE SUBSTITUTE  
FOR  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1762

AN ACT

2 To repeal section 407.432, RSMo, and to enact  
3 in lieu thereof two new sections relating to  
4 protection of privacy for credit cardholders,  
5 with a penalty provision.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,  
7 AS FOLLOWS:

8 Section A. Section 407.432, RSMo, is repealed and two new  
9 sections enacted in lieu thereof, to be known as sections 407.432  
10 and 407.433, to read as follows:

11 407.432. As used in sections 407.430 to 407.436, the  
12 following terms shall mean:

13 (1) "Acquirer", a business organization, financial  
14 institution, or an agent of a business organization or financial  
15 institution that authorizes a merchant to accept payment by  
16 credit card for merchandise;

17 (2) "Cardholder", the person's name on the face of a credit  
18 card to whom or for whose benefit the credit card is issued by an  
19 issuer, or any agent or employee of such person;

20 (3) "Counterfeit credit card", any credit card which is

1 fictitious, altered, or forged, any false representation,  
2 depiction, facsimile or component of a credit card, or any credit  
3 card which is stolen, obtained as part of a scheme to defraud, or  
4 otherwise unlawfully obtained, and which may or may not be  
5 embossed with account information or a company logo;

6 (4) "Credit card" or "debit card", any instrument or  
7 device, whether known as a credit card, credit plate, bank  
8 service card, banking card, check guarantee card, or debit card  
9 or by any other name, issued with or without fee by an issuer for  
10 the use of the cardholder in obtaining money or merchandise on  
11 credit, or for use in an automated banking device to obtain any  
12 of the services offered through the device. The presentation of  
13 a credit card account number is deemed to be the presentation of  
14 a credit card;

15 (5) "Expired credit card", a credit card for which the  
16 expiration date shown on it has passed;

17 (6) "Issuer", the business organization or financial  
18 institution or its duly authorized agent, which issues a credit  
19 card;

20 (7) "Merchandise", any objects, wares, goods, commodities,  
21 intangibles, real estate, services, or anything else of value;

22 (8) "Merchant", an owner or operator of any retail  
23 mercantile establishment, or any agent, employee, lessee,  
24 consignee, officer, director, franchisee, or independent  
25 contractor of such owner or operator. A merchant includes a

1 person who receives from an authorized user of a payment card, or  
2 an individual the person believes to be an authorized user, a  
3 payment card or information from a payment card as the instrument  
4 for obtaining, purchasing, or receiving goods, services, money,  
5 or anything of value from the person;

6 (9) "Person", any natural person or his legal  
7 representative, partnership, firm, for-profit or not-for-profit  
8 corporation, whether domestic or foreign, company, foundation,  
9 trust, business entity or association, and any agent, employee,  
10 salesman, partner, officer, director, member, stockholder,  
11 associate, trustee or cestui que trust thereof;

12 [(9)] (10) "Reencoder", an electronic device that places  
13 encoded information from the magnetic strip or stripe of a credit  
14 or debit card onto the magnetic strip or stripe of a different  
15 credit or debit card;

16 (11) "Revoked credit card", a credit card for which  
17 permission to use it has been suspended or terminated by the  
18 issuer;

19 (12) "Scanning device", a scanner, reader, or any other  
20 electronic device that is used to access, read, scan, obtain,  
21 memorize, or store, temporarily or permanently, information  
22 encoded on the magnetic strip or stripe of a credit or debit  
23 card.

24 407.433. 1. No person, other than the cardholder, shall:

25 (1) Disclose more than the last five digits of a credit

1 card or debit card account number on any sales receipt for  
2 merchandise sold in this state;

3 (2) Use a scanning device to access, read, obtain,  
4 memorize, or store, temporarily or permanently, information  
5 encoded on the magnetic strip or stripe of a credit or debit card  
6 without the permission of the cardholder and with the intent to  
7 defraud any person, the issuer, or a merchant; or

8 (3) Use a reencoder to place information encoded on the  
9 magnetic strip or stripe of a credit or debit card onto the  
10 magnetic strip or stripe of a different card without the  
11 permission of the cardholder from which the information is being  
12 reencoded and with the intent to defraud any person, the issuer,  
13 or a merchant.

14 2. Any person who violates this section is guilty of an  
15 infraction and any second or subsequent violation of this section  
16 is a class A misdemeanor.

17 3. It shall not be a violation of subdivision (1) of  
18 subsection 1 of this section if:

19 (1) The sole means of recording the credit card number or  
20 debit card number is by handwriting or, prior to January 1, 2005,  
21 by an imprint of the credit card or debit card; and

22 (2) For handwritten or imprinted copies of credit card or  
23 debit card receipts, only the merchant's copy of the receipt  
24 lists more than the last five digits of the account number.

25 4. This section shall become effective on January 1, 2003,

1 and applies to any cash register or other machine or device that  
2 prints or imprints receipts of credit card or debit card  
3 transactions and which is placed into service on or after January  
4 1, 2003. Any cash register or other machine or device that  
5 prints or imprints receipts on credit card or debit card  
6 transactions and which is placed in service prior to January 1,  
7 2003, shall be subject to the provisions of this section on or  
8 after January 1, 2005.

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